

7030. Misbranding of Texas Wonder. U. S. * * * v. 24 Packages and 76 Packages of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 9550, 9551. I. S. Nos. 2446-r, 2447-r. S. Nos. W-262, 263.)

On or about December 26, 1918, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 24 packages and 76 packages of Texas Wonder, remaining unsold in the original unbroken packages at Los Angeles, Cal., alleging that the article had been shipped on April 17, 1918, and on April 1, 1918, October 4, 1918, and December 4, 1918, by E. W. Hall, St. Louis Mo., and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Texas Wonder, Hall's Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism, Dissolves Gravel, Regulates Bladder Trouble in Children."

Examination of a sample of the article from a previous shipment by the Bureau of Chemistry of this department showed it to consist essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements borne on the labels of the packages were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it. Misbranding of the article was alleged in substance for the further reason that the statement borne on the package, to wit, "Dr. E. W. Hall, Sole Manufacturer," indicated that the article was manufactured by a physician, whereas, in truth and in fact, the said E. W. Hall was not a physician.

On June 24, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7031. Adulteration and misbranding of olive oil. U. S. * * * v. 3 Cases and 8 Quart Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9553. I. S. No. 5860-r. S. No. C-1025.)

On December 27, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases and 8 quart cans of alleged olive oil at Akron, O., alleging that the article had been shipped on or about August 13, 1918, by the Italo American Distilling Co., Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: (On cans) "One Full Quart Net Italy Pure Olive Oil (design of medals) Philip Berio & C Lucca Tuscany" (On cases) "Italian Produce Pure Olive Oil * * * Berio & C Lucca Tuscany Italy * * * 40 One Quart Cans."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil and corn oil had been mixed and packed with, and substituted for, olive oil, which the article purported to be, so as to reduce and lower its quality, strength, and value.

Misbranding of the article was alleged for the reason that the above-quoted statements borne on the labels of the cans and cases, together with the designs

and general appearance of the label, were false and misleading and deceived and misled the purchaser in that said statements indicated that the cans contained pure olive oil, when, in truth and in fact, cottonseed oil and corn oil had been substituted in part for the article, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic origin, and in that it was labeled 1 full quart net, whereas examination showed an average shortage of 5.94 per cent of the declared contents. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On June 30, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

E. D. BALL,
Acting Secretary of Agriculture.

7032. Adulteration and misbranding of olive oil. U. S. * * * v. 24 One-half Gallons and 48 Quarts of Olive Oil (so called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9554. I. S. No. 12709-r. S. No. E-1195.)

On December 23, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 half gallons and 48 quarts of olive oil (so called), remaining unsold in the original unbroken packages, at Hartford, Conn., alleging that the article had been shipped on or about November 8, 1918, by Adolph Panarelli, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Olio Puro D'Oliva."

Adulteration of the article was alleged in substance in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted almost wholly for the product purporting to be olive oil.

Misbranding of the article was alleged in substance for the reason that the labels on the cans bore a certain statement and design regarding the article which were false and misleading, that is to say, the labels bore the following words, "Olio Puro D'Oliva," and the design of a picture of natives of Italy gathering olives, which statement, words, and design were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not, and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture, packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that it was labeled "Full Half Gallon" and "Full Quarter Gallon," respectively, whereas there was a shortage in the alleged $\frac{1}{2}$ -gallon cans of 6 per cent and in the alleged $\frac{1}{4}$ -gallon cans of 7.8 per cent. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not